

MAJ. GEORGE A. ARMES.

JUNE 14, 1910.—Ordered to be printed.

Mr. STEVENS, from the Committee on Military Affairs, submitted the following

ADVERSE REPORT.

[To accompany H. R. 17498.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 17498) authorizing the appointment of Maj. George A. Armes, U. S. Army, retired, to the rank and grade of major-general on the retired list of the army, make the following report:

This bill provides:

That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint George A. Armes, now a major on the retired list of the United States Army, to the position of major-general on the retired list of the United States Army, with the rank and pay of the advanced grade, and to commission him accordingly.

SEC. 2. That all laws and parts of laws conflicting with the provisions of this act are hereby repealed.

George A. Armes is now on the retired list with rank and pay of a major, having been promoted from captain to major on the retired list by the act of April 23, 1904, for civil war service.

A bill was introduced in the Fifty-sixth Congress providing as follows:

That the provisions of law regulating appointments in the army by promotion in the line are hereby suspended for the purposes of this act, and only so far as they affect George A. Armes; and the President may, if he so desires, in the exercise of his own discretion and judgment, reinstate and, by and with the advice and consent of the Senate, appoint said George A. Armes a brigadier-general, United States Army, and replace him upon the retired list with said rank, the retired list being increased for this purpose only.

SEC. 2. That all pay and allowance from June, eighteen hundred and seventy, unjustly withheld from said Armes by reason of the proceedings or findings of any court-martial or retiring board, upon proper proofs being made, shall be refunded and paid to said Armes, out of any funds in the Treasury not otherwise appropriated.

In the consideration of this bill the Committee on Military Affairs called upon the War Department for information and Major Armes's military record was furnished, which is as follows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, January 22, 1900.

Summary of the military service of Capt. George A. Armes, retired, of the United States Army, compiled from the records of this office.

VOLUNTEER SERVICE.

He served as private of Company B, Sixteenth Virginia Infantry, from September 1 to November 25, 1862; second lieutenant, Sixteenth Virginia Infantry, November 26, 1862; honorably mustered out June 10, 1863; second lieutenant, Veteran Reserve Corps, July 1, 1863; resigned October 28, 1864; captain, Second New York Heavy Artillery, November 7, 1864; honorably mustered out September 29, 1865; brevetted major of volunteers March 2, 1867, "for gallant and meritorious services in action at Hatcher's Run, Virginia, December 9, 1864."

REGULAR ARMY RECORD.

Second lieutenant, Second Cavalry, April 19, 1866; served with his regiment in Kansas and Colorado until June 7, 1870, when dismissed by sentence of court-martial. Under an act of Congress which became a law without the approval of the President Captain Armes was honorably discharged the service as of the date of his dismissal, June 7, 1870, with a year's pay and allowances, the same as if he had been discharged under the provisions of the third section of the act of Congress of July 15, 1870.

Under act of Congress approved April 23, 1878, he was appointed captain, Tenth Cavalry, May 11, 1878, with rank from July 28, 1866. He served with his regiment in Texas until September 12, 1883, and was on sick leave until retired from active service, September 15, 1883, on account of disability incident to the service; reported by the retiring board to have been "nervous prostration, mental excitability, and cardiac dilatation."

H. C. CORBIN, *Adjutant-General.*

Major Armes's record and service during the civil war is shown to have been of a high character, enlisting of a private and coming out as a captain. He was also brevetted major "for gallant and meritorious services in action at Hatcher's Run, Virginia, December 9, 1864." He was appointed as an officer in the Regular Army in 1866. He was dismissed by sentence of court-martial June 7, 1870.

Under act of Congress, Captain Armes was given an honorable discharge and a year's pay and allowances the same as if he had been discharged under the provisions of the third section of the act of Congress of July 15, 1870. The report made in the House on this legislation was made by Mr. Morey, from the Committee on Military Affairs, January 10, 1873, and was as follows:

[House Report No. 19, Forty-second Congress, third session.]

It appears from the record of the court-martial which dismissed Captain Armes that a considerable portion of the important testimony which was relied on was given by Capt. Charles G. Cox, Tenth United States Cavalry, who was, within two months thereafter, himself dismissed the service, cashiered, and sentenced to be fined and confined in a penitentiary. His evidence was contradicted point-blank by another witness, and a portion of his evidence is conclusively shown to have been false. That Captain Armes did not show the proper respect for superior authority is evident; but there is nothing in the record, so far as can be judged from a careful examination thereof, that, according to military usage, justifies the sentence that was imposed by the court-martial.

It has been shown beyond a doubt that Captain Armes was a brave and gallant officer. He was mentioned in general orders by General Cooke, United States Army,

and congratulated by letter by Maj. Gen. W. S. Hancock, and recommended for promotion for energy and "gallant and meritorious conduct" on several occasions, both during the rebellion and in the campaign against the Indians.

The action which is recommended in the bill reported as a substitute for House bill 705 is the least measure of justice which, the committee believe, should be granted in the case.

Congress again by act approved April 23, 1878, provided for his reappointment and he was appointed Captain Tenth Cavalry, May 11, 1878, with rank from July 28, 1866.

On this legislation a report was made by Mr. Glover from the committee on Military Affairs of the House, on June 1, 1876, from which the following is an extract:

On the 20th of August, 1867, he was recommended by Generals Sherman and Hancock for the brevet of lieutenant-colonel, for hard and heroic services against the Indians, by whom he was wounded during an engagement.

This is only a portion of the very meritorious and gallant conduct of this young officer to this date in his military history, which seems to have challenged almost the universal respect and confidence of the officers under whom he served.

The records of the War Department further show that in 1869 charges were preferred against Captain Armes. They were four in number.

Upon the first a nolle prosequi was entered. Upon the third and fourth he was found not guilty. And upon the second charge, "conduct unbecoming an officer and a gentleman," he was found guilty and was sentenced "to be dismissed the service." These charges were preferred by Capt. George W. Graham. The main witnesses were Lieut. B. F. Bell and Capt. Charles G. Cox. Lieutenant Bell, who had been tried, convicted, dismissed, and cashiered for bribery and embezzlement of public property, was called to testify against Armes. Captain Cox was called to testify—whom the testimony shows was a bitter personal enemy of Captain Armes, who had preferred the charges upon which both Cox and Graham were tried, convicted, and sentenced to be dismissed and cashiered the service, fined, and imprisoned in a penitentiary.

Viewing the testimony in the light of its own inconsistency and contradictions, and in the light of the character of the persons who appeared and testified, as shown at the time, or by immediate subsequent events, it was all of the very worst possible character, upon which Captain Armes was found guilty. All the circumstances of his trial are remarkable. In the first place, the organization of the court was very objectionable. The court was composed, in part, of an officer who not only acknowledged that he entertained an opinion unfavorable to Captain Armes, but had publicly proclaimed it, was allowed to sit in judgment upon him, and no objection or remonstrance on the part of Armes was of any avail. Another most remarkable fact was, that after the trial of Captain Cox had commenced, on charges preferred by Captain Armes, and upon which Captain Cox was immediately afterwards sentenced to be dismissed, the trial of Cox was arrested, and he was allowed to appear as a witness against Armes. Of course the debased principles of these witnesses and accusers, Cox, Bell, and Graham, were no better before conviction than after. Yet, if justice had been allowed to take its course, and these two desperate villains had been tried before Captain Armes, as they should have been in the regular and due order of things, the trial of Armes, and the terrible injustice that was done him, would never have taken place. Here is a case of a brave, dashing, and laborious young officer, who, in the brilliancy of his achievements in active service, has outstripped all of his age and rank, driven in disgrace from his profession upon the contradictory testimony of the most desperate and despicable witnesses (except that of the weak-minded boy, Ben).

The person against whom the alleged offense is said to have been committed, the testimony clearly shows, did not know Captain Armes, nor is there any evidence that that person was known by him. In view of the foregoing facts and reasons, it is difficult to perceive why the late Secretary of War, to whom was subsequently known the despicable character of the witnesses who testified against Captain Armes, should have sought to defeat his restoration to his former place and rank in the army, which he had so bravely won, and from which he had been so cruelly and unjustly driven.

Of the witnesses and accusers who testified against Captain Armes, it may be said Cox and Graham were fined, dismissed, and cashiered the Army, and sentenced to imprisonment in a penitentiary, and the latter, Captain Graham, who broke his confinement, was afterwards killed on the plains as a highwayman. The females who testified had been ordered off the reservation at Fort Harker, by the commanding officer, as women of notoriously bad character. The testimony of the weak-minded boy who

was a witness against Captain Armes was so inconsistent and contradictory as to be entirely worthless. It is believed that every committee, either of the House or Senate which has examined this case, has reported in favor of Captain Armes.

To any one who will examine the evidence and the subsequent character and history of the witnesses in the case, there can be no doubt that the charges against and conviction of Captain Armes were the result of a vile conspiracy among desperate characters, to disgrace and drive from the Army a man who—then and now—enjoys to a wonderful degree the sympathy, confidence, and esteem of a large circle of officers of the Army, despite the cloud under which he has rested.

The history of the accusers of Captain Armes, and of the witnesses who testified against him, as shown by record evidence, prior to, at the time of trial, or immediately after, shows that they were all totally destitute of honor, veracity, or virtue.

Possibly there has never been a prosecution in which all the elements of honor, decency, and respectability were so entirely absent.

The committee are of the opinion that nothing short of a full restoration to all the rights, honors, and ranks of which Captain Armes has been deprived, will do justice in the case, and therefore recommend the passage of the bill as substituted by the committee.

Your committee believe that great injustice was done Major Arms in the two court-martial trials as above stated, but that Congress did its duty in restoring Major Arms, and as far as an injustice could be corrected by law it was done.

Major Arms then remained on the active list of the army until September 15, 1883, when he was retired on account of disability incident to the service, reported by the retiring board to have been "nervous prostration, mental excitability, and cardiac dilatation."

Since this time he has enjoyed all the privileges of a retired army officer, including the benefits of a general law making him a major on the retired list. If this bill be passed, it will be taken as a precedent for other promotions, which would be injurious to the interests of the military service and unfair to the taxpayers of the country.

Your committee can not report, nearly twenty-seven years after Major Arms's retirement for disability, that he was not properly retired or recommend his promotion on the retired list, although they recognize his gallant service and military career, and therefore must under the circumstances recommend that the bill lay on the table.